

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 360

FINAL READING

Introduced by Cook, 13.

Read first time January 16, 2009

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to the Land Reutilization Act; to amend
2 sections 77-3201, 77-3203, 77-3205, and 77-3211, Reissue
3 Revised Statutes of Nebraska, and sections 77-3204 and
4 77-3207, Revised Statutes Cumulative Supplement, 2008; to
5 authorize the creation of an authority by a city of the
6 metropolitan class; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-3201, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 77-3201 (1) There may be created within each county an
4 authority for the management, sale, transfer, and other disposition
5 of tax-delinquent lands, which authority shall be known as the Land
6 Reutilization Authority of the County of It shall
7 have authority to accept the grant of any interest in real property
8 made to it or to accept gifts and grant-in-aid assistance. The
9 authority shall have and exercise all the powers conferred by the
10 Land Reutilization Act necessary and incidental to the effective
11 management, sale, transfer, or other disposition of real estate
12 acquired under and by virtue of the foreclosure of the lien for
13 delinquent real estate taxes, and in the exercise of its powers,
14 the authority shall be deemed to be a public corporation acting in
15 a governmental capacity and a political subdivision of this state.

16 (2) The authority shall foster the public purpose of
17 returning land which is in a nonrevenue-generating nontax-producing
18 status to effective utilization in order to provide housing, new
19 industry, and jobs for the citizens of the county and new tax
20 revenue for the county.

21 (3) In counties in which a city of the metropolitan
22 class is located, such a city may create an authority for the
23 management, sale, transfer, and other disposition of tax-delinquent
24 lands which shall be known as the Land Reutilization Authority
25 of the City of Such authority shall have all of the

1 powers and duties granted to an authority by the act with regard
2 to property located within the corporate boundaries of that city.
3 Such an authority shall be a division of the planning department
4 of such city and shall not be deemed to be a public corporation
5 acting in a governmental capacity or a political subdivision of
6 this state, independent of the city creating the authority. All of
7 the acts of such an authority shall be the acts of such city. If
8 a land reutilization authority for the county in which is situated
9 a city of the metropolitan class exists at the time of creation
10 of an authority by a city of the metropolitan class, the existing
11 authority of the county with regard to property located within the
12 corporate boundaries of the city shall cease to exist within one
13 hundred eighty days after the creation of the land reutilization
14 authority of such city and any real property located within the
15 corporate boundaries of the city held by such land reutilization
16 authority of the county shall be conveyed to the newly created
17 authority of the city of the metropolitan class.

18 (4) Pursuant to the provisions of the Interlocal
19 Cooperation Act, a city of the metropolitan class that creates
20 a land reutilization authority may enter into an agreement with
21 any county to authorize the city's land reutilization authority to
22 exercise on behalf of such county the authority provided by the
23 Land Reutilization Act for its own land reutilization authority
24 upon such terms and conditions as the city and county may agree.

25 Sec. 2. Section 77-3203, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 77-3203 (1) In each county which creates an authority
3 pursuant to subsection (1) of section 77-3201, there is hereby
4 created a Land Reutilization Commission which shall be composed
5 of at least three members, one of whom shall be appointed by the
6 governing body of the most populous city within the county, one
7 of whom shall be appointed by the board of county commissioners,
8 and one of whom shall be appointed by the board of education of
9 the school district serving the most populous city of the county.
10 At the request of the governing body of a city of the first or
11 second class within the county, which is not the most populous
12 city in the county, or the board of education of a school district
13 located predominately within the county, which is not serving the
14 most populous city of the county, the county board shall authorize
15 the appointment of additional members to the Land Reutilization
16 Commission, not to exceed a maximum total of seven members of
17 the commission. The additional members of the commission shall be
18 appointed by the governing body of the respective city or cities
19 of the first or second class or by the board of education of the
20 respective school district or districts. If necessary to establish
21 an odd number of commission members, the county board may appoint
22 a member from a municipality or school district within the county
23 which is not represented on the commission. The members shall serve
24 at the pleasure of the respective appointing authority and may
25 be employees of the appointing authority. No member shall receive

1 compensation for serving on the commission.

2 (2) Any vacancy in the office of commissioner shall be
3 filled by the same appointing authority which made the original
4 appointment.

5 (3) In a city of the metropolitan class which determines
6 to create an authority pursuant to subsection (3) of section
7 77-3201, the city by ordinance may create a Land Reutilization
8 Commission which shall be composed of a minimum of three members
9 of the planning department of the city of the metropolitan class,
10 appointed by its director. The members shall serve at the pleasure
11 of the director. No member shall receive compensation for serving
12 on the commission.

13 Sec. 3. Section 77-3204, Revised Statutes Cumulative
14 Supplement, 2008, is amended to read:

15 77-3204 (1) The members of the a Land Reutilization
16 Commission shall meet immediately after being appointed and
17 qualified and shall select a chairperson, a vice-chairperson, and
18 a secretary.

19 (2) Each commissioner shall furnish a surety bond in a
20 penal sum of not less than fifteen thousand dollars, the premium of
21 such bond to be paid by the authority from which the commissioner
22 was appointed or which he or she represents. The bond shall
23 be issued by a surety company licensed to do business in the
24 State of Nebraska, shall be conditioned to guarantee the faithful
25 performance of all duties under the Land Reutilization Act, and

1 shall be written to cover all the commissioners.

2 (3) Before entering upon the duties of his or her office,
3 each commissioner shall take and subscribe to the following oath:

4 State of Nebraska)

5) ss.

6 County of)

7 I,, do solemnly swear that
8 I will support the Constitution of the United States, and the
9 Constitution of the State of Nebraska, that I will faithfully
10 and impartially discharge my duties as a member of the Land
11 Reutilization Authority of the ~~county~~, County of
12 or City of, that I will, according to my best
13 knowledge and judgment, administer tax-delinquent lands held by me
14 in trust according to the laws of this state and for the benefit
15 of the public bodies and the tax bill owners which I represent, so
16 help me God.

17

18 Subscribed and sworn to this day of

19 20....

20 My commission expires:

21 Notary Public

22 Sec. 4. Section 77-3205, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 77-3205 (1) The authority shall be a continuing body
25 and shall have and adopt an official seal which shall bear on

1 its face the words Land Reutilization Authority of the County of
 2 or City of, and shall
 3 have the power to issue deeds in its name, which deeds shall
 4 be signed by the chairperson or vice-chairperson and attested by
 5 the secretary, and shall have the general power to administer
 6 its business as any other corporate body. A land reutilization
 7 authority of a city of the metropolitan class shall issue deeds
 8 in the name of such city and such city, through its employees
 9 designated as the commission members, shall have general powers to
 10 administer the authority's business.

11 (2) The authority may convey title to any real estate
 12 sold or conveyed by it by general or special warranty deed, and
 13 may convey an absolute title in fee simple, without in any case
 14 procuring any consent, conveyance, or other instrument from the
 15 beneficiaries for which it acts. Each such deed shall recite
 16 whether the selling price represents a consideration equal to or in
 17 excess of two-thirds of the appraised value of such real estate so
 18 sold or conveyed. If such selling price represents a consideration
 19 of less than two-thirds of the appraised value of such real estate,
 20 the approval of such selling price shall be by unanimous action of
 21 the authority and evidenced by a copy of such action duly certified
 22 to by its secretary and attached to and made a part of such
 23 deed. In the event that unanimous action of the authority is not
 24 obtained, then the commissioners shall first procure the consent to
 25 such selling price of not less than a majority of the appointing

1 authorities, which consent shall be evidenced by a copy of the
2 action of each such appointing authority duly certified to by its
3 clerk or secretary and attached to and made a part of such deed.
4 In the case of a land reutilization authority for a city of the
5 metropolitan class, the commissioners shall procure the planning
6 director's consent.

7 Sec. 5. Section 77-3207, Revised Statutes Cumulative
8 Supplement, 2008, is amended to read:

9 77-3207 (1) The commissioners may appoint a director and
10 such other employees as are deemed necessary to carry out the
11 responsibilities and duties imposed by the Land Reutilization Act
12 and may incur such other reasonable and proper costs and expenses
13 related thereto. A land reutilization authority of a city of the
14 metropolitan class shall utilize only city employees for such
15 responsibilities and duties. If such costs and expenses exceed the
16 amount of funds available to the authority under the act, the
17 authority shall obtain approval for such additional or supplemental
18 needs. Such appropriations shall be considered advances to the
19 authority subject to repayment from funds accumulated by the
20 authority under the act.

21 The county treasurer's office, or city treasurer's office
22 in the case of an authority created pursuant to subsection (3) of
23 section 77-3201, shall handle all such appropriated expense funds
24 and disburse the same under the provisions for handling other
25 expenditures.

1 The authority shall deposit all funds received under the
2 act with the county treasurer of the county, or the city treasurer
3 in the case of an authority created pursuant to subsection (3)
4 of section 77-3201, and make disbursements therefrom upon receipt
5 of vouchers duly authorized by the authority under the act and in
6 accordance with standard procedures adopted by and approved by the
7 county treasurer, or the city treasurer in the case of an authority
8 created pursuant to subsection (3) of section 77-3201.

9 (2) The fiscal year of the authority shall commence on
10 January 1 of each year. The authority shall audit all claims
11 for the expenditure of money and the ~~chairman or vice-chairman~~
12 chairperson or vice-chairperson thereof shall draw warrants
13 therefor from time to time, or the city treasurer in the case of an
14 authority created pursuant to subsection (3) of section 77-3201.

15 Sec. 6. Section 77-3211, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 77-3211 (1) If, when the sheriff offers the parcels of
18 real estate for sale under the tax foreclosure laws of this state,
19 there is no bid equal to the full amount of all tax bills included
20 in the judgment, interest, penalties, fees, and costs then due
21 thereon made or received at such sale, the authority shall be
22 deemed to have bid the full amount of all tax bills included in
23 the judgment, interest, penalties, fees, and costs then due, and if
24 no other earlier or later bid be then received by the sheriff as
25 allowed by law in excess of the bid of the authority, then the bid

1 of the authority shall be announced as accepted. The sheriff shall
2 report any such bid or bids so made by the authority in the same
3 way as his or her report of other bids is made.

4 (2) The authority shall pay, if possible, any penalties,
5 fees, or costs included in the judgment of foreclosure of such
6 parcel of real estate when such parcel is sold or otherwise
7 disposed of by such authority. Upon confirmation by the court of
8 such bid at such sale by such authority, and upon notification by
9 the sheriff, the county treasurer, or the city treasurer in the
10 case of an authority created pursuant to subsection (3) of section
11 77-3201, shall mark the tax bills to the date of such confirmation
12 as canceled by sale to the authority, and shall take credit for
13 the full amount of such tax bills, including principal amount,
14 interest, penalties, fees, and costs, on his or her books and his
15 or her statements with any other taxing authorities.

16 Sec. 7. Original sections 77-3201, 77-3203, 77-3205, and
17 77-3211, Reissue Revised Statutes of Nebraska, and sections 77-3204
18 and 77-3207, Revised Statutes Cumulative Supplement, 2008, are
19 repealed.